

Handwritten initials and a large dollar sign.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/701,990	
	Filing Date	November 4, 2003	
	First Named Inventor	Mark HELLERSTEIN	
	Art Unit	1657	
	Examiner Name	R. Gitomer	
Total Number of Pages in This Submission	8 + 8 refs	Attorney Docket Number	416272005200

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form, in duplicate for fee processing - 2 pages	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. One copy each of 8 Cited References
<input checked="" type="checkbox"/> Information Disclosure Statement w/ Form PTO/SB/08a/b (5 pages)	<input type="checkbox"/> CD, Number of CD(s) _____	2. Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

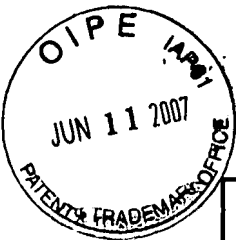
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 20872)		
Signature	<i>Michael R. Ward</i>		
Printed name	Michael R. Ward		
Date	June <u>6</u> , 2007	Reg. No.	38,651

I hereby certify that this paper is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-145

Dated: June 7, 2007

Signature: *Leah Kjellen* (Leah Kjellen)



PTO/SB/17 (05-07)

Approved for use through 05/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

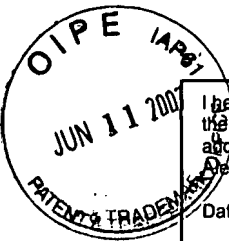
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2007		Complete if Known		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/701,990	
TOTAL AMOUNT OF PAYMENT		Filing Date	November 4, 2003	
(\$)		180.00	First Named Inventor	Marc K. HELLERSTEIN
		Examiner Name	R. Gitomer	
		Art Unit	1657	
		Attorney Docket No.	416272005200	

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison & Foerster LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0
2. EXCESS CLAIM FEES							
Fee Description							Small Entity
							Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
Total Claims							Fee Paid (\$)
- 20 = _____ x _____ = 0							
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims							Fee Paid (\$)
- 3 = _____ x _____ = 0							
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets		Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)	
- 100 = _____		/50 = _____	(round up to a whole number) x _____		=	0	
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							Fees Paid (\$)
Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement							180.00

SUBMITTED BY			
Signature	<u>Michael R. Ward</u>	Registration No. (Attorney/Agent)	38,651
Name (Print/Type)	Michael R. Ward	Telephone	(415) 268-6237
		Date	June 7, 2007



I hereby certify that this paper is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 7, 2007

Signature: 

(Leah Kjellen)

Patent

Docket No. 416272005200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marc K. HELLERSTEIN

Serial No.: 10/701,990

Filing Date: November 4, 2003

For: DEUTERATED GLUCOSE OR FAT
TOLERANCE TESTS FOR HIGH-
THROUGHPUT MEASUREMENT OF
THE METABOLISM OF SUGARS OR
FATTY ACIDS IN THE BODY

Examiner: R. Gitomer

Group Art Unit: 1657

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

sf-2330188

06/12/2007 RFEKADU1 00000024 031952 10701990
01 FC:1606 180.00 DA

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ **After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.**
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☒ **A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.**
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 416272005200.

Dated:

6/06/07

Respectfully submitted,

By Michael R. Ward

Michael R. Ward

Registration No.: 38,651

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105-2482

(415) 268-6237



ALTERNATIVE TO PTO/SB/08A/B (04/07)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/701,990
				Filing Date	November 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1657
				Examiner Name	R. Gitomer
Sheet	1	of	2	Attorney Docket Number	416272005200

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-5,916,537-A	06-29-1999	Kajiwara et al.	
	2.	US-5,924,995-A	07-20-1999	Klein et al.	
	3.	US-6,031,228-A	02-29-2000	Abramson	
	4.	US-6,355,416-B1	03-12-2002	Abramson	
	5.	US-6,642,059-B2	11-04-2003	Chait et al.	
	6.	US-6,835,927-B2	12-28-2004	Becker et al.	
	7.	US-20030119069-A1	06-26-2003	Schneider et al.	
	8.	US-20030211036-A1	11-13-2003	Degani et al.	
	9.	US-6,680,203-B2	01-20-2004	Dasseux et al.	
	10.	US-20040121305-A1	06-24-2004	Wiegand et al.	
	11.	US-20040191916-A1	09-30-2004	Gross et al.	
	12.	US-20050014181-A1	01-20-2005	Galis et al.	
	13.	US-20050092910-A1	05-05-2005	Geromanos et al.	
	14.	US-20050118724-A1	06-02-2005	Bateman et al.	
	15.	US-6,902,719-B2	06-07-2005	Wagner	
	16.	US-6,906,320-B2	06-14-2005	Sachs et al.	
	17.	US-20050153346-A1	07-14-2005	Schneider	
	18.	US-20050175982-A1	08-11-2005	Iwatani et al.	
	19.	US-20050221278-A1	10-06-2005	Iwatani et al.	
	20.	US-20050281745-A1	12-22-2005	Lee et al.	
	21.	US-20060100903-A1	05-11-2006	Lee et al.	
	22.	US-20060105322-A1	05-18-2006	Iwatani et al.	
	23.	US-7,048,907-B2	05-23-2006	Groman et al.	
	24.	US-7,057,168-B2	06-06-2006	Miller et al.	
	25.	US-20060120961-A1	06-08-2006	Schneider et al.	
	26.	US-7,084,396-B2	08-01-2006	Schneider	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	27.	WO-06050130-A2	05-11-2006	Target Discovery Inc.		
	28.	WO-06081521-A2	08-03-2006	The Regents of the University of Colorado		
	29.	WO-06107814-A2	10-12-2006	Washington University in St. Louis		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

sf- 2330183

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/701,990
				Filing Date	November 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1657
				Examiner Name	R. Gitomer
Sheet	2	of	2	Attorney Docket Number	416272005200

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	30.	LEFEBVRE, P. J. (January 1979). "Naturally Labeled ¹³ C-Glucose: A New Tool to Measure Oxidation Rates of Exogenous Glucose," <i>Diabetes</i> 28(Suppl. 1): 63-65.		
	31.	ROYALE, G. T. et al. (1981). "Techniques for Investigating Substrate Metabolism in Patients," <i>Annals of the Royal College of Surgeons of England</i> 63:415-419.		
	32.	BIER, D. M. (November 1987). "The Use of Stable Isotopes in Metabolic Investigation," <i>Balliere's Clinical Endocrinology and Metabolism</i> 1(4):817-836.		
	33.	SCHNEITER, P. et al. (1998). "Kinetics of Dexamethasone Induced Alterations of Glucose Metabolism in Healthy Humans," <i>American Journal of Physiology</i> , pp. E806-E813.		
	34.	Supplementary Partial European Search Report mailed September 22, 2006, for European patent application no. EP 03768624.3, filed November 4, 2003, 4 pages.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--